

Appl. No. : **10/753,091**
Filed : **January 7, 2004**

REMARKS

In response to the Office Action mailed June 20, 2005, Applicant has submitted a substitute specification and amended the application as above. No new matter is added by the amendments as discussed below. Applicant respectfully requests the entry of the amendments and reconsideration of the application in view of the amendments and the remarks set forth below.

Substitute Specification

According to 37 C.F.R. § 1.125, Applicant hereby submits a substitute specification. All the changes (including the matter being added to and the matter being deleted from) made in the substitute specification are merely made for clarification or to conform the specification to U.S. practice.

In the original specification, the terms “optical fiber” and “optical cable” are used to refer to the same matter. In the substitute specification, the term optical fiber has replaced the term optical cable wherever it appears, in order to make the specification more consistent. Furthermore, in paragraph 29 of the original specification it says that “[i]n the second embodiments of the invention, the ratio...may be modeled as a function....” This is incorrect in grammar and inconsistent with the specification of the provisional application No. 60/439,603 which this application claims priority to and incorporates the entire disclosure of. In the fourth full paragraph on page 3 of the specification of the provisional application, it is disclosed that an aspect of the first and second embodiments of the invention is that “the ratio ... can be modeled as a function....” In the substitute specification, changes are made to make it consistent with the provisional application which made the disclosure correctly.

The substitute specification includes no more than what is disclosed in the original application and the provisional application which this application incorporates the entire disclosure of. Therefore, it does not add new matters. A marked up version of the substitute specification showing all the changes to the specification, and a version of the substitute specification without markings as to amended material are submitted with this paper. On the marked up version, the additions are underlined while the ~~deletions are struck through~~.

Discussion of Claim Amendments

Claims 1, 7, 9, 11, 13, 15, 16, 22-24, and 26 have been amended, Claim 3, 6, 18 and 21 have been canceled, and Claims 27-52 have been added. Claims 1, 2, 4, 5, 7-17, 19, 20, and 22-52 are now pending in this application.

The introduction of term “layer” and “layers” to Claim 1 is supported, for example, by the last four lines of paragraph 30, the whole paragraph 31, the third line of paragraph 32, and Fig. 1. The introduction of the “imperfection” feature in Claim 1, 16, 28 and 37 is supported, for example, by paragraph 30. The feature “reflective” (outer electrode) added to Claims 1 and 16 is supported, for example, by original Claims 3 and 18 and the eighth line of paragraph 23. The amendments to Claims 23, 24, and 26 are supported, for example, by paragraph 25 and the last three lines of paragraph 28. New Claims 27 and 50-52 are supported, for example, by paragraph 30. New Claim 28 is supported, for example, by original Claims 16 and 21 and paragraph 31. New Claims 29-32 are supported, for example, by original Claims 17, 19, 20, and 22. New Claims 33-36 are supported, for example, by original Claims 23-26, paragraph 25, and the last three lines of paragraph 28. New Claim 37 is supported, for example, by original Claims 1 and 6 and paragraph 31. New Claims 38-49 are supported, for example, by original Claims 2, 4, 5, and 7-15.

The term “optical fiber” replaces the term “optical cable” wherever it appears in claims. Considering that both terms are used to refer to the same matter in original claims, this amendment only makes claims more consistent and therefore adds no new matter. The amendments to Claims 7, 11, 13, 15, and 22 are merely for clarification and do not narrow the scope of protection. Furthermore, the amendments to the claims do not introduce any new matter. Entry of the amendment is respectfully requested.

Discussion of Claim Objections

Claims 9, 11, and 16 are objected to for certain informalities. In reply, Claims 11, 16, and 22 have been amended as the Examiner indicated. The Examiner states that the claimed “efficiency” of Claim 9 has no antecedent basis in the indicated base claim 7. In reply, Claim 9

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has been amended to depend on Claim 1. The claimed "efficiency" of Claim 9 is a characteristic of the optical device defined in Claim 1, as evidenced by paragraph 29. Therefore, Claim 1 provides sufficient antecedent basis for Claim 9. Withdrawal of these objections is respectfully requested.

Discussion of Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-5, 10-12, 14-20, and 23-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Duggal et al. (US 6,538,375) in view of Desurvire et al, (5,892,876). Applicant respectfully submits that pending Claims 1-5, 10-12, 14-20, and 23-26 are allowable over Duggal in view of Desurvire as discussed below.

The amended independent Claims 1 and 16 both suggest the combination of a reflective outer layer with imperfections in at least one of the layers of the optical device. Duggal in view of Desurvire neither teaches nor suggests this combination. Therefore, it would not have been obvious to one of ordinary skill in the art to recognize the invention of Claims 1 and 16 in view of Duggal and Desurvire. Withdrawal of the rejection is respectfully requested.

Dependent Claims

Claims 2-5, 10-12, 14, 15, 17-20, and 23-26 are dependent either directly or indirectly on the above-discussed independent Claim 1 or Claim 16. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Conclusion

In view of Applicant's amendments to the application and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.


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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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